



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,125	04/19/2004	Michael David Burke	00326P00140US	2309
32116 7590 04/30/2008 WOOD, PHILLIPS, KATZ, CLARK & MORTIMER 500 W. MADISON STREET SUITE 3800 CHICAGO, IL 60661				
EXAMINER				
GORTAYO, DANGELINO				
ART UNIT		PAPER NUMBER		
2168				
MAIL DATE		DELIVERY MODE		
04/30/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/827,125

Applicant(s)

BURKE, MICHAEL DAVID

Examiner

DANGELINO N. GORTAYO

Art Unit

2168

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/14/2008 has been entered.

Response to Amendment

2. In the amendment filed on 1/14/2008, claims 21, 23, and 28 have been amended. The currently pending claims considered below are Claims 21-34.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 22-34 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 22-34 recite the limitation "A system" in line

1. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination, examiner reads it as "the system". Proper correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 21-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Anand et al. ("Anand" US Patent 5,832,496)

As per claim 21, Anand discloses "A computer-based system for high level summary of business results to target scarce business resources at business change over a finite period of time," (see Abstract, figure 10, column 1 lines 26-38, column 4 lines 8-32, column 18 lines 38-56)

"comprising (a) a single screen;" (Figure 6 and column 17 lines 5-12, "primary overlay")

"(b) means to assimilate static data into the system via an interviewing procedure;" (column 4 lines 48-57, column 5 lines 12-16, lines 24-31, column 13 lines 1-21, wherein access to data defining data is provided by an Enterprise Information factory)

“(c) means to assimilate balance data into the system;” (column 4 lines 48-57, column 6 lines 55-66, wherein data stored in a database is retrieved from data warehouses)

“(d) means to provide mapping of and a standardized structure of said static and balance data as a summary report;” (Figure 12, column 3 line 66 – column 4 line 7, column 12 lines 22-65, column 16 lines 46-52, column 18 lines 38-59, and column 45 line 40 – column 46 line 21, wherein mapping from business concepts to database entities is provided and a summary page is generated in a specific format)

“(e) means to provide an iterative sign-off report;” (Figure 6 reference 122, Figure 12, column 6 lines 29-34, column 11 lines 3-32, column 15 lines 44-61, column 17 line 52 – column 18 line 4, and column 18 lines 38-59, wherein a summary page is provided to be used by an end user analyst)

“(f) means to produce a separate report for each of a group of high level groupings of a particular node of a business;” (Figure 6 reference 112, Figure 12, 16, 17, 18, column 14 lines 47-58, column 18 lines 5-9, lines 48-59, column 38 lines 34-57, and column 39 lines 27-36, wherein groups of objects are in a hierarchy and can be grouped automatically or by a user, to provide a report)

“(g) drag and drop means whereby to display a normalized structure” (column 29 lines 38-44, column 30 lines 41-54, wherein a user can make drag and drop operations to the manager window representing data)

“and (g) means to trigger bench-mark calculations which check the said reports for mapping changes and which are reviewed by a user of the system,” (column 3 lines

42-47, column 4 lines 57-60, column 10 lines 8-40, column 40 lines 23-37, wherein an analyst and exception analyst analyzes data for events such as user updating data, and can be analyzed by a user to be saved or run and executed again) "whereby to provide an analysis of a business comprising a relational data base management system (RDMS) and a visual basic front-end." (column 7 lines 17-26, lines 45-65, column 18 lines 38-56, wherein a database stores data and a client computer uses a GUI for user manipulation)

As per claim 22, Anand discloses "the means to assimilate data comprises a data base and graphical user interface whereby to standardized static data input." (column 7 lines 17-26, lines 45-65)

As per claim 23, Anand discloses "wherein the drag and drop means whereby to display a normalized structure comprises the graphical user interface." (Figures 6, 12, column 6 lines 47-54, column 17 line 5 - column 18 line 20, column 30 lines 27-54)

As per claim 24, Anand discloses "there are sign off sheet categories adapted to group input data and to replay said data for formal sign off." (Figure 6, column 17 lines 52-59, column 18 lines 5-9, lines 38-59)

As per claim 25, Anand discloses "there is dictionary means adapted to relate to nodal points of a structure, and refer to exclude data related to discrete nodal points." (column 6 lines 55-66, column 15 lines 38 – column 16 line 35)

As per claim 26, Anand discloses "the said data is related to criteria related to or associated with a discrete nodal point." (column 16 lines 18-43)

As per claim 27, Anand discloses "there is a relational data base management system and a visual front end system" (column 7 lines 17-26, lines 45-65)

As per claim 28, Anand discloses "the RDMS forms at least part of the means to assimilate static data and comprises a plurality of discrete store tables for data."
(column 15 lines 37-43 and column 7 lines 45-56)

As per claim 29, Anand discloses "the store tables are selected from the group comprising respectively tables to store source data, standardized structures and definitions, translated data, benchmarking results and/or allocations and security and audit functions." (column 45 line 29 – column 46 line 57, wherein tables in a database are shown showing categories of entities set up during installation)

As per claim 30, Anand discloses "the visual front end system is adapted to manipulate data of the relational data base management system." (column 6 lines 48-54)

As per claim 31, Anand discloses "the visual front end system comprises respective means for loading data, manipulation of standardized structures and definitions, mapping, translation of data into standardized format, calculation of results, reporting and administration." (Figures 6, 7A, 7B, 7C, 7D, 7E, 8A, 8B, 9A, 9B, 9C, 10, 11, and column 6 lines 48-54)

As per claim 32, Anand discloses "means for loading data comprising means for handling data comprising static data, reporting structure, balance and metric data." ."
(column 14 lines 47-58)

As per claim 33, Anand discloses "the means for administration comprises means for providing security and/or audit trail facilitation." (column 7 line 66 – column 8 line 29, wherein a user can have client and system administrator privileges determined by a log-in module)

As per claim 34, Anand discloses "the business comprises investment banking" (column 12 lines 8-28, wherein the system is used to handle business concepts)

Response to Arguments

7. Applicant's amendments, see page 3, filed 1/14/2008, with respect to the rejection under 35 USC 112, second paragraph have been fully considered but are not persuasive. Claims 22-34 recite the limitation "A system" in line 1, which has insufficient antecedent basis. The stated limitation lacks insufficient antecedent basis because the system is already defined in previous claims. For example, "A system" of claim 22 is already established in claim 21, and so the dependent claim refers to "the system as defined in claim 21", and not a whole new system. For purposes of examination, examiner reads it as "the system". Therefore, the rejection of claims 22-34 under 35 USC 112, second paragraph is maintained.

8. Applicant's arguments, see page 7, filed 1/14/2008, with respect to the rejection under 35 USC 102(b) have been fully considered but are not persuasive.

- a. Examiner is entitled to give claim limitations their broadest reasonable interpretation in light of the specification. See MPEP 2111 [R-I]

Interpretation of Claims-Broadest Reasonable Interpretation

During patent examination, the pending claims must be 'given the broadest reasonable interpretation consistent with the specification.' Applicant always has the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 162 USPQ 541,550-51 (CCPA 1969).

b. Applicant's argument is stated as the present invention does not disclose the amended claims as presented, specifically the computer-based system acts over a finite period of time, the static data assimilation is via an interviewing procedure, the final report is provided via an iterative action, the system produces a separate report for each of a particular node of a business and operates using a drag and drop means whereby to display a normalised structure

In response to the argument, Examiner respectfully disagrees. Applicant is directed to the above 35 USC 102(b) rejection, wherein the amended claims of the application are disclosed by the prior art of Anand.

As to the limitation "a computer based system acts over a period of time", Anand in column 4 lines 8-32 and column 18 lines 38-56 discloses that the system can analyze business data and make reports based on periods of time, specifically time between two time periods. The results on the reports produced by analyzing data can be expressed in day, week, month, quarter, year, or any other defined period of time. As can be seen in column 18 lines 38-56, the system stores data in the database and can make present the analysis data

based on a time slice, the time being used to represent changes and trends in business data. Therefore, the system of Anand, by storing and analyzing data based on time, discloses a computer based system that acts over a period of time.

As to the limitation that the static data assimilation is via an interviewing procedure, Anand teaches in column 4 lines 48-57, column 5 lines 12-16, lines 24-31, column 13 lines 1-21 that access to data stored in database is accomplished by utilizing metadata, the client sending out a data request to various subsystems to analyze and receive data from a database. The examiner interprets interviewing procedure to be the act of one computer, in this case the client, querying another, in this case a server, for specific data. The specification of the application discloses an exploratory interview procedure, and the method disclosed by Anand of a client querying for metadata to access database data, is interpreted by the examiner to be analogous.

As to the limitation that the report is provided via an iterative action, Anand teaches in column 11 lines 3-32 that the InfoFrame viewing system is utilized to present the report to a user, wherein the report is produced by analyzing business data in the database. As taught in column 15 lines 44-61 and column 17 line 52 – column 18 line 4, the InfoFrame generator generates a report in response to a query, the report produced through the analysis of data as defined by steps. It is the user that defines how selected data is analyzed, and by hitting the Report Now button on the graphical user interface, the report is generated in

a series of steps based on user defined metrics. Therefore, Anand teaches the report provided via an iterative action.

As to the limitation that the system produces a separate report for each of a particular node of a business, Anand in column 14 lines 47-58 and column 38 lines 34-57, the queries sent by a client are submitted to the data warehouse, whereupon reports are made. The user can define the reports based on different levels of business objects, such as not only representing clothing sales, but a specific department, like men's clothing. The node is defined in the specification of the instant application as an area of business, and Anand teaches that the reports can be made that specifically looks at a subset of the system, as defined by a user. Therefore, Anand teaches producing a separate report for each of a particular node of a business.

As to the limitation of operation using a drag and drop means whereby to display a normalized structure, Anand teaches in column 29 lines 38-44, column 30 lines 41-54 that a user can make drag and drop operations to the manager window representing data. As disclosed in column 29 lines 26-35, the previously disclosed InfoFrame window is a type of Manager Window, the Manager Window supporting drag and drop features and operations by the user. The drag and drop operations of Anand are used by the user to manipulate and define the way business data is displayed. Therefore, Anand teaches a drag and drop means whereby to display a normalized structure.

c. Applicant's argument is stated as Anand is a complex system requiring three computers, which does not disclose the system of the instant application, comprising of a computer system which provides for a user, a relational data base management system and a visual basic front end.

In response to the argument, Examiner respectfully disagrees. As disclosed in the above rejection and arguments, Anand teaches all the claimed limitations of the instant application, particularly a client system utilizing a graphical user interface to query, analyze, and receive data from a data warehouse. As disclosed in column 18 lines 38-56, the analysis of data can be based on specific time benchmarks, wherein the analysis of business data is reviewed by a user as reports. While the system of Anand is more complex than the claims presented in the instant application, it still teaches all the limitations disclosed in the instant application's claims, and reads on the claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANGELINO N. GORTAYO whose telephone number is (571)272-7204. The examiner can normally be reached on M-F 7:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim T. Vo can be reached on (571)272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2168

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tim T. Vo/
Supervisory Patent Examiner, Art
Unit 2168

Dangelino N. Gortayo
Examiner

Tim T. Vo
SPE